

WEDNESDAY, MARCH 27, 1996

SEVENTY-NINTH LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by David Stofel, Ethridge Church of Christ, Ethridge, Tennessee.

Representative White led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Duer; personal reasons.

Representative Towns; personal reasons.

RECOGNITION

The Speaker recognized Rep. Herron in the Well to introduce the Martin Westview Ladies Basketball team.

RESOLUTION READ

The Clerk read House Resolution No. 198.

RULES SUSPENDED

Rep. Herron moved that the rules be suspended for the purpose of introducing House Resolution No. 198 out of order, which motion prevailed.

House Resolution No. 198 -- Memorials, Sports - Martin Westview High School girls' basketball team, TSSAA Class AA state champions. by *Herron, *Armstrong, *Arriola, *Beavers, *Bell, *Bird, *Bittle, *Bowers, *Boyer, *Bragg, *Brooks, *Brown, *Buck, *Burchett, *Byrd, *Callicott, *Cantrell, *Chumney, *Clabough, *Coffey, *Cole (Carter), *Cole (Dyer), *Cross, *Curtiss, *Davidson, *Davis, *DeBerry J, *DeBerry L, *Dunn, *Eckles, *Fitzhugh, *Ford S, *Fowlkes, *Garrett, *Givens, *Gunnels, *Haley, *Halteman Harwell, *Hargrove, *Hassell, *Head, *Herron, *Hicks, *Huskey, *Jackson, *Jones U (Shelby), *Jones R (Shelby), *Jones, S., *Joyce, *Kent, *Kernell, *Kerr, *Kisber, *Langster, *Lewis, *McAfee, *McDaniel, *McDonald, *McKee, *McMillan, *Miller L, *Naifeh, *Napier, *Newton, *Odom, *Patton, *Peach, *Phelan, *Phillips, *Pinion, *Pruitt, *Purcell, *Ramsey, *Rhinehart, *Ridgeway, *Rinks, *Ritchie, *Roach, *Robinson, *Sharp, *Shirley, *Stamps, *Stulce, *Tindell, *Turner (Hamilton), *Turner (Shelby), *Venable, *Walley, *West, *Westmoreland, *White, *Whitson, *Williams (Williamson), *Williams (Union), *Windle, *Winningham, *Wood.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Herron, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

RECOGNITION

The Speaker recognized Rep. McAfee in the Well to introduce the family of Officer Gary Dockery.

RESOLUTION READ

The Clerk read House Joint Resolution No. 479.

RULES SUSPENDED

Rep. McAfee moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 479 out of order, which motion prevailed.

House Joint Resolution No. 479 -- Memorials, Heroism - Officer Gary Dockery. by *McAfee, *Wood, *Stulce, *Sharp, *Turner (Hamilton), *Brown, *Bell, *Winningham, *Rhinehart.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. McAfee, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes..... 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 437: Rep(s). Naifeh and Rinks as prime sponsor(s).

House Joint Resolution No. 497: Rep(s). Kent and Miller as prime sponsor(s).

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House Joint Resolution No. 498: Rep(s). Garrett as prime sponsor(s).

House Bill No. 946: Rep(s). Bowers as prime sponsor(s).

House Bill No. 2312: Rep(s). Kent and Cole(Carter) as prime sponsor(s).

House Bill No. 2365: Rep(s). Bowers as prime sponsor(s).

House Bill No. 3186: Rep(s). Robinson as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Williams(Union) was/were removed as sponsor(s) of **House Bill No. 1080**.

ENGROSSED BILLS
March 26, 1996

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 30 and 2997; also, House Joint Resolution(s) No(s). 451 and 453.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

House Joint Resolution No. 500 -- Highway Signs - "James 'Thomas' Brewster Memorial Highway," segment of S.R. 52, Morgan County. by *Windle.

Transportation Committee

House Joint Resolution No. 503 -- General Assembly, Studies - Creates special joint committee to study retention and disposition of court records. by *Purcell, *Hargrove.

Judiciary Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for March 28, 1996:

House Joint Resolution No. 499 -- Memorials, Personal Achievement - Michael Shane Browning, Eagle Scout. by *Eckles.

House Joint Resolution No. 502 -- Memorials, Professional Achievement - Art Masker, Jim Pryor Child Advocacy Award. by *Venable, *Westmoreland, *Ramsey.

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House Joint Resolution No. 504 -- Memorials, Professional Achievement - Ricky Gooch and Package America. by *Pinion, *Stamps.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

***Senate Joint Resolution No. 354** -- Highway Signs - "Brigadier General Austin C. Shofner Highway," U.S.41A from Shelbyville to Moore County-Bedford County line. by *Womack, *Henry.

Transportation Committee

***Senate Joint Resolution No. 356** -- Highway Signs - "James E. 'Buzz' Elkins Memorial Highway," S.R. 61 from Oak Ridge to Clinton, Anderson County. by *McNally, *Atchley, *O'Brien, *Wilder, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Crutchfield, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Hamilton, *Harper, *Haun, *Haynes, *Henry, *Holcomb, *Jordan, *Koella, *Kyle, *Leatherwood, *Miller J, *Person, *Rice, *Rochelle, *Springer, *Wallace, *Womack, *Wright.

Transportation Committee

***Senate Joint Resolution No. 357** -- Highway Signs - "Dr. J. H. Gammons Memorial Bridge," French Broad River, S.R. 168, Knox County. by *Atchley.

Transportation Committee

Senate Joint Resolution No. 364 -- Naming and Designating - "Victims Rights Week," April 21-27, 1996. by *Burks, *Gilbert, *O'Brien, *McNally, *Wallace, *Dixon, *Elsea, *Jordan, *Springer, *Kyle, *Crutchfield, *Atchley, *Cooper, *Holcomb, *Miller J, *Haun, *Fowler, *Carter, *Rice, *Womack, *Crowe, *Harper, *Person.

State & Local Government Committee

Senate Joint Resolution No. 385 -- Memorials, Death - Representative Harold M. Love of Nashville. by *Harper, *Atchley, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Crutchfield, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Hamilton, *Haun, *Haynes, *Henry, *Holcomb, *Jordan, *Koella, *Kyle, *Leatherwood, *McNally, *Miller J, *O'Brien, *Person, *Rice, *Rochelle, *Springer, *Wallace, *Wilder, *Womack, *Wright.

State & Local Government Committee

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 3279 -- Hamilton County - Subject to local approval, authorizes fourth division of general sessions court with new judge to be elected in August 1996. Amends Chapter 6 of the Private Acts of 1941, as amended, by *Wood, *McAfee, *Sharp.

House Bill No. 3280 -- Madison County - Subject to local approval, creates centralized accounting system. Amends Chapter 163 of the Private Acts of 1986, as amended, by *Kisber, *McDaniel.

House Bill No. 3281 -- Rockwood - Subject to local approval, creates new municipal election date to coincide with other municipal elections in county. Amends Chapter 327 of the Acts of 1903, by *Cantrell.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 2000** -- Sunset Laws - Department of mental health and mental retardation, June 30, 2004. Amends TCA Title 4, Chapters 3 and 29, by *Haynes.

***Senate Bill No. 2028** -- Sunset Laws - Department of mental health and mental retardation, board of trustees, June 30, 2004. Amends TCA Title 4, Chapter 29, and Title 33, Chapter 1, by *Haynes.

***Senate Bill No. 2134** -- Health - Establishes brain trauma registry to collect and disseminate information on incidence, victims, and agencies of traumatic brain injury. Amends TCA Title 68, Chapter 55, Part 2, by *Person.

Senate Bill No. 2406 -- Tort Liability - Clarifies that acts of defendant, prisoner or inmate released under certain programs do not create civil liability against state. Amends TCA Section 9-8-307, by *Rice.

***Senate Bill No. 2776** -- Taxes, Sales - Redefines "farm equipment and machinery" to include livestock trailers for sales tax purposes, by *Springer.

***Senate Bill No. 2857** -- Medical Occupations - Requires committee of physical therapy to meet twice, rather than once, a year to test applicants for licensure. Amends TCA Title 63, Chapter 13, by *Haynes, *Rochelle.

***Senate Bill No. 3011** -- Parks, Natural Areas Preservation - Adds portion of Clinch River from Melton Hill Dam upstream to Pelliissippi Parkway to Class III developed river areas. Amends TCA Title 11, Chapter 13, Part 1, by *Gilbert.

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Senate Bill No. 3024 -- Aged Persons - Establishes respite care program in Gibson County; appropriates \$25,000 to fund such program. by *Carter.

CAPTION BILLS REFERRED

Pursuant to **Rule No. 47**, the following Caption Bill(s), 3041, 2297 and 3111 held on the Clerk's desk were referred on March 26, 1996 to the following Committee(s):

House Bill No. 3041 -- Welfare -- House Commerce Committee

House Bill No. 2297 -- Workers' Compensation -- House Judiciary Committee

House Bill No. 3111 -- Insurance, Health, Accident -- House Commerce Committee

CAPTION BILLS REFERRED

Pursuant to **Rule No. 47**, the following Caption Bill(s), 1272, 2224 and 3109 held on the Clerk's desk were referred on March 27, 1996 to the following Committee(s):

House Bill No. 1272 -- Contractors -- House Commerce Committee

House Bill No. 2224 -- Taxes, Tobacco, Tobacco Products -- House Transportation Committee

House Bill No. 3109 -- Insurance, Health, Accident -- House Commerce Committee

REPORTS FROM STANDING COMMITTEES

The committees that met on **March 26, 1996**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **March 28, 1996**: House Bill(s) No(s). 2773, 2771, 2818, 2979, 2569, 3219, 834, 2366, 2365, 2826, 3050, 2174, 2837, 2527, 2481, 2834, 1328, 2519, 893, 2296 and House Resolution(s) No(s). 68.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 1, 1996**: House Bill(s) No(s). 2700, 2616, 2267, 3151, 2514, 3024 and Senate Joint Resolution(s) No(s). 340.

AGRICULTURE

The Agriculture Committee recommended for passage: House Joint Resolution No(s). 469; also House Bill(s) No(s). 3126 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

COMMERCE

The Commerce Committee recommends for passage: House Bill(s) No(s). 2805 and 2077; also House Bill(s) No(s). 2534, 946, 2555 and 2083 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

CONSUMER AND EMPLOYEE AFFAIRS

The Consumer and Employee Affairs Committee recommended for passage: House Bill(s) No(s). 3055 and 2228 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

EDUCATION

The Education Committee recommended for passage: House Bill(s) No(s). 2051 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2523; also House Bill(s) No(s). 2676, 177 and 986 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 2176, 2763, 2451, 1960 and 2789; also House Bill(s) No(s). 2749, 3136, 2289, 2536, 3135, 3212 and 2873 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended for passage: House Bill(s) No(s). 937; also House Bill(s) No(s). 2950, 2396 and 2872 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2031 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: House Joint Resolution(s) No(s). 429 and 378 and Senate Joint Resolution(s) No(s). 184; also House Bill(s) No(s). 2508, 2208, 3051 and Senate Joint Resolution(s) No(s). 328 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on **March 27, 1996**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 1, 1996**: House Bill(s) No(s). 2980, 2795, 3060, 3062, 2177, 2862, 168, 3110 and 1273.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 1, 1996**: House Bill(s) No(s). 2030.

CONSERVATION AND ENVIRONMENT

The Conservation and Environment Committee recommended for passage: House Joint Resolution(s) No(s). 437; also House Bill(s) No(s). 2539 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2783; also House Bill(s) No(s). 2687 and 2895 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 2577 and House Joint Resolution(s) No(s). 406; also House Bill(s) No(s). 1082 and 1505 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2346; also House Bill(s) No(s). 2575 and 1119 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

TRANSPORTATION

The Transportation Committee recommended for passage: House Bill(s) No(s). 2417 and House Joint Resolution(s) No(s). 458, 461, 464, 463 and 462; also House Bill(s) No(s). 2429 and 2201 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

CONSENT CALENDAR

House Resolution No. 196 -- Memorials, Sports - William Smith. by *Buck, *Bragg.

House Resolution No. 197 -- Memorials, Recognition and Thanks - Hope for Memphis Crusade. by *Brooks.

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House Joint Resolution No. 493 -- Memorials, Retirement - JoAnn Carver. by *Halteman Harwell.

House Joint Resolution No. 494 -- Memorials, Death - Dr. Harry J. Guffee. by *Miller L, *Callicott.

House Joint Resolution No. 495 -- Memorials, Recognition and Thanks - Michael Brian Fann, 1996 Jaycees Outstanding Young Tennessean Award.". by *Lewis.

House Joint Resolution No. 496 -- Memorials, Sports - 1995-1996 Jackson Central-Merry High School girls' basketball team. by *Kisber, *McDaniel.

House Joint Resolution No. 497 -- Memorials, Sports - Memphis East High School boys' basketball team, 1995-96 Class AAA state champions. by *Buck, *Naifeh, *Brooks, *Kernell, *Jones U (Shelby).

House Joint Resolution No. 498 -- Memorials, Death - Representative Harold M. Love of Nashville. by *Langster, *Pruitt, *Purcell, *Jones, S., *Halteman Harwell, *Naifeh, *Armstrong, *West, *Odom, *Robinson, *Arriola, *Stamps, *Jones U (Shelby), *DeBerry L, *Brooks, *Jones R (Shelby), *Chumney, *Towns, *Brown, *Turner (Shelby).

Senate Joint Resolution No. 374 -- Memorials, Professional Achievement - Paula Hayes, Tennessee Teacher of the Year nominee. by *Rice.

Senate Joint Resolution No. 375 -- Memorials, Professional Achievement - Linda Davis, Tennessee Teacher of the Year nominee. by *Rice.

Senate Joint Resolution No. 376 -- Memorials, Sports - Ollie Keller, Tennessee Sports Hall of Fame inductee. by *Gilbert, *Cohen, *Henry.

Senate Joint Resolution No. 377 -- Memorials, Professional Achievement - Virginia Faye Hochnedel. by *Koella, *Burks, *Atchley.

Senate Joint Resolution No. 378 -- Memorials, Death - James Russell Moore. by *Wright.

Senate Joint Resolution No. 379 -- Memorials, Professional Achievement - Joan Gustafson, state teachers award nominee. by *Rice.

Senate Joint Resolution No. 380 -- Memorials, Personal Occasion - Paul and Charlotte Hughes, 50th wedding anniversary. by *Crutchfield.

Senate Joint Resolution No. 381 -- Memorials, Recognition and Thanks - Andrew Johnson Elementary School, WellKids program. by *Holcomb.

Senate Joint Resolution No. 382 -- Memorials, Recognition and Thanks - Andrew Jackson Elementary School, Wellkids program. by *Holcomb.

Senate Joint Resolution No. 383 -- Memorials, Death - John C. Yeary. by *Holcomb.

Senate Joint Resolution No. 396 -- Memorials, Death - Miss Nell Erin Curtis. by *Crowe.

Rep. Langster moved that all members be added as prime sponsor to **House Joint Resolution No. 498**, which motion prevailed.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Joint Resolution No. 497 -- by Rep. Miller.

Senate Joint Resolution No. 376 -- by Rep. Clabough.

Under the rules, House Joint Resolution No. 497 and Senate Joint Resolution No. 376 was/were placed at the foot of the calendar for March 28, 1996.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 2158 -- Sunset Laws - Home improvement commission, June 30, 2004. Amends TCA Title 4, Chapter 29 and Title 62, Chapter 37. by *Kernell, *Garrett, *Brooks. (*SB1984 by *Haynes)

Further consideration of House Bill No. 2158 previously considered on March 4, 1996, at which time it was objected to on the Consent Calendar, and March 6, 1996, and reset for today's Calendar.

Rep. Kernell requested that House Bill No. 2158 be moved to the heel of the Calendar.

House Bill No. 2440 -- Game and Fish Laws - Revises penalties relative to fish and wildlife violations. Amends TCA Title 70, Chapter 1, Part 1; Section 70-2-101(e); Section 70-2-205(e)(1); Section 70-2-215(d); Section 70-2-221(e); Section 70-4-102(c); Section 70-4-108(c); Section 70-4-201(d); Section 70-6-101(b)(2) and Section 70-6-202(b). by *Odom. (*SB2239 by *Gilbert)

Rep. Odom moved that House Bill No(s). 2440 be reset to the Regular Calendar for April 4, 1996, which motion prevailed.

***House Bill No. 2312** -- Domestic Violence - Authorizes judges to require abusive spouse to seek counseling in domestic violence cases. Amends TCA Title 36. by *Chumney, *Brown, *Jones, S., *Pruitt, *McMillan, *Brooks, *Langster, *Ritchie. (SB2607 by *Kyle, *Miller J)

Further consideration of House Bill No. 2312, previously considered on March 20, 1996, and reset to today's Calendar.

On motion, House Bill No. 2312 was made to conform with **Senate Bill No. 2607**; the Senate Bill was substituted for the House Bill.

Rep. Chumney moved that Senate Bill No. 2607, be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Chumney moved that **Senate Bill No. 2607** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J.,

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A motion to reconsider was tabled.

House Bill No. 2355 -- Purchasing - Enacts "Privatization Contractor Public Accountability Act of 1996." Amends TCA Title 8, Chapter 4. by *Brown, *Armstrong, *Miller L, *Pruitt, *Brooks, *Jones R (Shelby), *Langster. (*SB2382 by *Crutchfield)

Further consideration of House Bill No. 2355 previously considered on March 18, 1996, at which time it was objected to on the Consent Calendar, and March 20, 1996 and reset to today's Calendar.

Rep. Brown moved that House Bill No(s). 2355 be reset for the Regular Calendar on April 4, 1996, which motion prevailed.

***House Bill No. 1983** -- Banks and Financial Institutions - Prohibits transactional fees greater than \$0.50 for cashing checks issued by United States or Tennessee government. Amends TCA Title 45. by *Buck, *Williams (Union), *Lewis. (SB2551 by *Burks)

Further consideration of House Bill No. 1983, previously considered on March 11, 1996, March 18, 1996 and March 20, 1996, and reset to today's Calendar.

Rep. Buck moved that House Bill No. 1983 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:
Amendment No. 1

AMEND House Bill No. 1983 by deleting the amendatory language of Section 1 in its entirety and by substituting instead the following:

No person may impose upon the payee any fee, discount, or charge whatsoever for accepting a check or draft in return for cash, goods, services or anything of value:

(1) If the check or draft was issued by the government of the United States, the state of Tennessee or any of their agencies, departments, or political subdivisions and;

(2) If the fee, discount or charge exceeds three dollars and fifty cents (\$3.50).

For purposes of this section "person" shall mean any natural person or entity and shall include, but not be limited to, any bank, savings and loan association, industrial loan and thrift company, credit union, check cashing business, corporation, partnership, limited liability company, limited liability partnership or merchant of any type. Nothing in this section shall limit or restrict the fee or charge for accepting checks or drafts issued by other than the specified governmental entities, regulate charges for services subject to other provisions of law or, in the absence of specific regulation, those pursuant to agreement of the parties.

On motion, Amendment No. 1 was adopted.

On motion, Rep. Jones, R (Shelby) withdrew Amendment No. 2.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

Rep. Jones, R (Shelby) moved that the House reconsider its action in withdrawing Amendment No. 2, which motion prevailed.

Rep. Jones R (Shelby) moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1983 by deleting the language "three dollars and fifty cents (\$3.50)" from the amendatory language of Section 1 and by substituting instead the language "one percent (1%) of the amount of the check or draft".

Rep. Jones, U (Shelby) moved the previous question, which motion prevailed.

On motion, Amendment No. 2 was adopted.

Rep. Buck moved that **House Bill No. 1983**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	92
Noes	0
Present and not voting.....	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney,

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Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Garrett, West -- 2.

A motion to reconsider was tabled.

Senate Bill No. 2143 -- Marriage - Allows retired county commissioners with minimum 15 years' service to perform marriage ceremonies. Amends TCA Section 36-3-301. by *Haun. (*HB2043 by *Davis, *Ford S)

Further consideration of Senate Bill No. 2143 previously considered on March 26, 1996, at which time the Senate Bill was substituted for the House Bill, Amendment No. 1 was withdrawn, the Bill failed to receive a constitutional majority, and was re-referred to the Committee on Calendar and Rules.

Rep. Davis moved that Senate Bill No. 2143 be passed on third and final consideration.

Rep. Davis moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 2143 by deleting all the language after the enacting clause and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 36-3-301, is amended by deleting the language in its entirety and by substituting instead the following:

No minister shall solemnize the right of matrimony in this state unless such minister serves a congregation of at least thirty (30) persons, is ordained in a synagogue or church, and is a graduate of a seminary.

SECTION 2. This act shall take effect July 1, 1996, the public welfare requiring it.

On motion, Amendment No. 2 was adopted by the following vote:

Ayes..... 33

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Noes 32
Present and not voting..... 2

Representatives voting aye were: Armstrong, Arriola, Bell, Bittle, Brooks, Brown, Burchett, Cantrell, Clabough, Coffey, Davidson, Dunn, Haley, Halteman Harwell, Hassell, Herron, Jones, U. (Shelby), Joyce, Kerr, McAfee, McMillan, Miller, Patton, Ramsey, Ridgeway, Robinson, Shirley, Stamps, Stulce, Tindell, Turner (Shelby), Whitson, Wood -- 33.

Representatives voting no were: Beavers, Bird, Boyer, Bragg, Buck, Callicott, Chumney, Cole (Carter), Cole (Dyer), Curtiss, DeBerry, L., Fowlkes, Gunnels, Hargrove, Head, Jones, S., Kent, Kisber, McDaniel, McDonald, McKee, Newton, Odom, Phelan, Pinion, Rhinehart, Rinks, Ritchie, Sharp, Westmoreland, Williams (Williamson), Windle -- 32.

Representatives present and not voting were: Bowers, Kernell -- 2.

Rep. Wood moved the previous question, which motion failed.

Rep. Kisber moved that Senate Bill No. 2143 be re-referred to the State & Local Government Committee.

Rep. Rhinehart moved that the motion to re-refer and Senate Bill No. 2143 be reset to the Calendar for March 28, 1996.

Rep. Jones, (Shelby) moved that motion to re-refer and to move Senate Bill No. 2143 to the Calendar for March 28, 1996 be tabled, which motion prevailed.

Rep. Haley moved the previous question on the motion to re-refer Senate Bill No. 2143 to the State & Local Government Committee, which motion prevailed.

Rep. Kisber moved that Senate Bill No. 2143 be re-referred to the State & Local Government Committee, which motion prevailed.

House Bill No. 1031 -- Banks and Financial Institutions - Establishes general powers of banks as those powers listed under Tennessee Business Corporation Act. Amends TCA Title 45. by *Rhinehart, *Rigsby. (*SB1126 by *Cooper)

Rep. Rhinehart moved that House Bill No(s). 1031 be reset to the Regular Calendar for April 8, 1996, which motion prevailed.

House Bill No. 2810 -- Financial Institutions, Dept. of - Exempts certain applicants for licensure or renewal as money transmitters from requirement of submitting audited financial statements. Amends TCA Section 45-7-207 and Section 45-7-211. by *Coffey, *Rhinehart, *Fowlkes, *Clabough, *Curtiss. (*SB2877 by *McNally, *Cooper, *Koella)

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On motion, House Bill No. 2810 was made to conform with **Senate Bill No. 2877**; the Senate Bill was substituted for the House Bill.

Rep. Coffey moved that **Senate Bill No. 2877** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes	0
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: West -- 1.

A motion to reconsider was tabled.

House Bill No. 905 -- Minority Affairs - Creates commission for African American justice and equality. Amends TCA Title 4, Chapter 11. by *Brooks, *Turner (Shelby), *Jones R (Shelby), *Brown, *Armstrong, *DeBerry L, *DeBerry J, *Miller L, *Jones U (Shelby), *Towns, *Langster, *Pruitt. (*SB565 by *Dixon)

Further consideration of House Bill No. 905, previously considered on May 24, 1995, at which time the House adopted Amendment No. 1 and the Bill was re-referred to the Committee on Calendar and Rules. House Bill No. 905 was further considered on May 25, 1995, at which time the Bill was re-referred to the Committee on Calendar and Rules, and reset to today's Calendar.

Rep. Brooks moved that House Bill No. 905, as amended, be passed on third and final consideration.

Rep. McAfee moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 905 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

On motion, Amendment No. 2 was adopted by the following vote:

Ayes	52
Noes	15
Present and not voting	1

Representatives voting aye were: Beavers, Bird, Bittle, Boyer, Buck, Burchett, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cross, Curtiss, Davis, Dunn, Eckles, Ford, Fowlkes, Haley, Halteman Harwell, Hassell, Head, Herron, Hicks, Huskey, Jones, S., Joyce, Kent, Kernell, McAfee, McDaniel, McDonald, McKee, Miller, Napier, Newton, Odom, Peach, Phelan, Ramsey, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Westmoreland, Whitson, Williams (Williamson), Windle, Wood -- 52.

Representatives voting no were: Armstrong, Bell, Brown, Fitzhugh, Gunnels, Jones, R. (Shelby), Kerr, Kisber, Langster, Phillips, Pinion, Pruitt, Tindell, West, Mr. Speaker Naifeh -- 15.

Representatives present and not voting were: Rhinehart -- 1.

On motion of Rep Brooks, **House Bill No. 905** was withdrawn from the House.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to no on Amendment No. 2 to House Bill No. 905 and have this statement entered in the Journal: Rep(s). Williams(Williamson).

REGULAR CALENDAR, CONTINUED

House Bill No. 3064 -- Taxes, Sales - Exempts contractors whose principal business is performance of contracts to improve realty, from sales and use tax. Amends TCA Sections 67-1-1802, 67-6-102 and 67-6-209. by *Davis, *Bittle, *Cole (Dyer), *Rinks, *Head, *McDaniel. (*SB3162 by *Jordan, *Fowler, *Rice, *McNally, *Eisea, *Atchley, *Person)

On motion, House Bill No. 3064 was made to conform with **Senate Bill No. 3162**; the Senate Bill was substituted for the House Bill.

Rep. Davis moved that Senate Bill No. 3162, be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways & Means Committee Amendment No. 1.

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Rep. Davis moved that **Senate Bill No. 3162** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	81
Noes	5
Present and not voting.....	4

Representatives voting aye were: Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Halteman Harwell, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Turner (Shelby), Venable, Walley, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 81.

Representatives voting no were: Armstrong, DeBerry, L., Purcell, Ritchie, West -- 5.

Representatives present and not voting were: Arriola, Lewis, Tindell, Turner (Hamilton) -- 4.

A motion to reconsider was tabled.

House Bill No. 1539 -- Education - Deletes requirement that any superintendent or director of schools, appointed to such office by popularly elected school board, only have baccalaureate degree in order to hold such office. Amends TCA 49-2-301. by *Winningham, *McAfee, *Duer, *Curtiss. (*SB1333 by *Burks)

Further consideration of House Bill No. 1539, previously considered on April 6, 1995, April 10, 1995 and April 13, 1995, at which time the House withdrew Amendment No. 1, adopted Amendment(s) No(s). 2 and 3, and tabled Amendment No. 4. House Bill No. 1539 was further considered on May 11, 1995, May 17, 1995, February 29, 1996 and March 21, 1996, and reset to today's Calendar.

Rep. Winningham moved that House Bill No. 1539, as amended, be passed on third and final consideration.

Rep. Purcell moved adoption of Amendment No. 5 as follows:

Amendment No. 5

AMEND House Bill No. 1539 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than
500,000

nor more than
550,000

On motion, Amendment No. 5 was adopted.

Rep. Curtiss moved that Amendment No. 6 be withdrawn, which motion prevailed.

Rep. Bragg moved adoption of Amendment No. 7 as follows:

Amendment No. 7

AMEND House Bill No. 1539 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than
118,400

nor more than
118,700

On motion, Amendment No. 7 was adopted.

Rep. Phelan moved adoption of Amendment No. 8 as follows:

Amendment No. 8

AMEND House Bill No. 1539 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than
7,100
31,500
46,000

nor more than
7,175
31,800
46,500

On motion, Amendment No. 8 was adopted.

Rep. Miller moved adoption of Amendment No. 9 as follows:

Amendment No. 9

AMEND House Bill No. 1539 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than
825,000

nor more than
830,000

On motion, Amendment No. 9 was adopted.

Rep. Bragg moved that the House reconsider its action in adopting House Amendment No. 7, which motion prevailed.

Rep. Bragg moved that Amendment No. 7 be withdrawn, which motion prevailed.

Rep. Ritchie requested that Amendment No. 10 be moved to the heel of the Amendments.

Rep. Cantrell moved that Amendment No. 11 be withdrawn, which motion prevailed.

Rep. Newton moved adoption of Amendment No. 12 as follows:

Amendment No. 12

AMEND House Bill No. 1539 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply to any LEA in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than
13,625
73,600
8,000

nor more than
13,675
73,900
8,300

On motion, Amendment No. 12 was adopted.

Rep. Windle moved adoption of Amendment No. 13 as follows:

Amendment No. 13

AMEND House Bill No. 1539 by adding the following new section to the amendatory language:

Section _____. The provisions of Tennessee Code Annotated, Section 49-2-301(h)(3), is amended by adding the following sentence at the end thereof:

The provisions of this subdivision shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than	nor more than
14,650	15,000
17,250	17,550
17,600	18,000

On motion, Amendment No. 13 was adopted.

Rep. Walley moved adoption of Amendment No. 14 as follows:

Amendment No. 14

AMEND House Bill No. 1539 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
12,700	13,000
23,300	23,400
25,300	25,600
37,500	37,800
103,100	103,400
10,471	10,800
22,200	22,500
22,600	23,000

On motion, Amendment No. 14 was adopted.

Rep. Coffey moved adoption of Amendment No. 15 as follows:

Amendment No. 15

AMEND House Bill No. 1539 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than
68,100

nor more than
68,400

On motion, Amendment No. 15 was adopted.

Rep. Winningham moved that House Bill No(s). 1539 be reset to the Regular Calendar for April 4, 1996, which motion prevailed.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

House Bill No. 1419 -- General Assembly, Studies - Creates special joint committee to study integration of ex-offenders into society. by *DeBerry J, *Miller L, *Jones R (Shelby), *DeBerry L. (*SB1155 by *Kyle)

Rep. DeBerry, J moved that House Bill No. 1419 be passed on third and final consideration.

Rep. DeBerry, L moved adoption of the Calendar & Rules Study Resolution Sub-Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1419 by deleting Section 2 in its entirety and substituting instead the following new Section 2:

SECTION 2. The joint committee shall consist of three (3) members of the Senate, to be appointed by the Speaker of the Senate, and three (3) members of the House of Representatives, to be appointed by the Speaker of the House of Representatives.

On motion, Amendment No. 1 was adopted.

Rep. DeBerry, J moved that **House Bill No. 1419**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	93
Noes	0
Present and not voting.....	3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Miller, Shirley, Stamps -- 3.

A motion to reconsider was tabled.

House Bill No. 2188 -- Hospitals and Health Care Facilities - Specifies continuing educational courses required for renewal of licenses for administrators of residential homes for aged/assisted living homes. Amends TCA Title 68. by *Patton, *Cole (Carter), *Whitson, *Kerr, *Wood, *McAfee, *Coffey, *Kent, *Joyce. (*SB2189 by *Crowe)

Further consideration of House Bill No. 2188 previously considered on March 25, 1996, at which time it was objected to on the Consent Calendar and reset to the Regular Calendar for March 27, 1996.

Rep. Patton moved that **House Bill No. 2188** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

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House Bill No. 1926 -- Hamilton County - Subject to local approval, authorizes service of process in civil cases in general sessions court to be issued as provided by Rules 4 and 5 of TRCP. by *Wood. (*SB1920 by *Fowler)

Further consideration of House Bill No. 1926 previously considered on March 25, 1996, at which time it was objected to on the Consent Calendar and reset to the Regular Calendar for March 27, 1996.

On motion, House Bill No. 1926 was made to conform with **Senate Bill No. 1920**; the Senate Bill was substituted for the House Bill.

Rep. Wood moved that **Senate Bill No. 1920** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	72
Noes	9
Present and not voting	13

Representatives voting aye were: Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, McAfee, McDaniel, McDonald, McKee, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Roach, Sharp, Shirley, Stamps, Stulce, Turner (Hamilton), Venable, Walley, Westmoreland, Whitson, Winningham, Wood -- 72.

Representatives voting no were: Brooks, Brown, Fitzhugh, Herron, Purcell, West, White, Williams (Williamson), Windle -- 9.

Representatives present and not voting were: Armstrong, Bragg, Eckles, Jackson, Kisber, Langster, Lewis, McMillan, Pruitt, Ritchie, Robinson, Tindell, Mr. Speaker Naifeh -- 13.

A motion to reconsider was tabled.

House Bill No. 2158 -- Sunset Laws - Home improvement commission, June 30, 2004. Amends TCA Title 4, Chapter 29 and Title 62, Chapter 37. by *Kernell, *Garrett, *Brooks. (*SB1984 by *Haynes)

Further consideration of House Bill No. 2158 previously considered on today's Calendar.

On motion, House Bill No. 2158 was made to conform with **Senate Bill No. 1984**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 1984 be passed on third and final consideration.

Rep. Kernell moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1984 by deleting Section 2 in its entirety and substituting instead the following language:

Section 2. Tennessee Code Annotated, Section 4-29-223(a), is amended by adding the following language as a new appropriately designated subdivision:

() Home improvement commission, created by Section 62-37-116;

On motion, Amendment No. 1 was adopted.

Rep. Kernell moved that **Senate Bill No. 1984**, as amended be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 93
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1336 -- Air Pollution - Increases number of members on air pollution control board from 11 to 12; increases number of citizen members on water quality control board from five to six. Amends TCA 68-201-104, 69-3-104. by *Odom, *Cross, *Callicott, *Williams (Williamson), *Jones, S., *Kernell, *Bittle, *Turner (Hamilton). (*SB207 by *Crutchfield, *Leatherwood, *Wallace, *McNally, *Gilbert, *Henry)

Senate Amendment No. 3

AMEND House Bill No. 1336 by deleting Sections 4, 5, 6, 7, and 8 as amended, and by substituting instead the following:

SECTION 4. Tennessee Code Annotated, Section 69-3-104(a)(1), is amended by deleting the language "eight (8)" from the first sentence and substituting instead the language, "ten (10)".

SECTION 5. Tennessee Code Annotated, Section 69-3-104(a)(1)(D), is amended by deleting the language "five (5)" and substituting instead the language, "seven (7)".

SECTION 6. Tennessee Code Annotated, Section 69-3-104(a)(4)(A), is amended by deleting the language "Five (5)" and substituting instead the language, "Seven (7)".

SECTION 7. Tennessee Code Annotated, Section 69-3-104(a)(4)(A), is amended by inserting the following language after the language and punctuation "public-at-large," in the first sentence:

"one (1) shall be representative of environmental interests appointed from a list of three (3) persons nominated by the Tennessee Conservation League, one (1) shall be a representative of counties appointed from a list of three (3) persons nominated by the County Services Association,".

SECTION 8. Tennessee Code Annotated, Section 69-3-104(a)(4)(A), is amended by deleting the language "conservation interests" from the first sentence and substituting instead the language "agricultural interests appointed from a list of three (3) persons nominated by the Tennessee Farm Bureau".

Rep. Odom moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 1336**, which motion prevailed by the following vote:

Ayes..... 92
Noes 2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle,

Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Burchett, Whitson -- 2.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 765: Rep(s). DeBerry J as prime sponsor(s).

House Bill No. 1080: Rep(s). Tindell, Dunn and Byrd as prime sponsor(s).

House Bill No. 1272: Rep(s). Huskey as first prime sponsor(s).

House Bill No. 1272: Rep(s). Davis as prime sponsor(s).

House Bill No. 2221: Rep(s). Head as prime sponsor(s).

House Bill No. 2224: Rep(s). Phelan as first prime sponsor(s).

House Bill No. 2501: Rep(s). Sharp as prime sponsor(s).

House Bill No. 2534: Rep(s). Buck as prime sponsor(s).

House Bill No. 2603: Rep(s). Tindell as prime sponsor(s).

House Bill No. 2749: Rep(s). Callicott as prime sponsor(s).

House Bill No. 2873: Rep(s). Newton, Beavers, Hassell, McKee, Wood, Sharp, Coffey, Ford, Boyer, McAfee, Walley, Clabough, Davis, Stamps, Hicks, Bittle, Ramsey, Gunnels and Williams(Union) as prime sponsor(s).

House Bill No. 3034: Rep(s). Byrd as prime sponsor(s).

House Bill No. 3035: Rep(s). Byrd as prime sponsor(s).

House Bill No. 3212: Rep(s). Bell, Ridgeway, Pinion, Davidson and Callicott as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Garrett was/were removed as sponsor(s) of **House Bill No. 1272**.

ENROLLED BILLS
March 27, 1996

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 2548, 2552 and 2653; House Joint Resolution(s) No(s). 371, 389, 390 and 407; also, House Resolution(s) No(s). 195.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED
March 27, 1996

The Speaker signed the following: House Bill(s) No(s). 2548, 2552 and 2653; House Joint Resolution(s) No(s). 371, 389, 390 and 407; also, House Resolution(s) No(s). 195.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
March 27, 1996

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 484; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS
March 27, 1996

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 479, 493, 494, 495, 496 and 498.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
March 27, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2988, 2991 and 2993; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 27, 1996

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 475, 476, 477 and 481; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 27, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3265 and 3266; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 27, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2239; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 2239** -- Game and Fish Laws - Revises penalties relative to fish and wildlife violations. Amends TCA Title 70, Chapter 1, Part 1; Section 70-2-101(e); Section 70-2-205(e)(1); Section 70-2-215(d); Section 70-2-221(e); Section 70-4-102(c); Section 70-4-108(c); Section 70-4-201(d); Section 70-6-101(b)(2) and Section 70-6-202(b). by *Gilbert.

MESSAGE FROM THE SENATE

March 27, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2407, 2548, 2889, 2552, 2925, 2653, 3239, 3242, 3253, 3254, 3255, 3258, 3261, 3262 and 3263; also, House Joint Resolution(s) No(s). 371, 389, 390, 407, 420, 467, 468, 470, 471, 472, 473, 478 and 482; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 27, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1942, 1966, 1975, 2128, 2132, 2141, 2171, 2182, 2374, 2509, 2510, 2512, 2757, 2985, 2989, 2991, 2995, 3019, 3052 and 3135; also, Senate Joint Resolution(s) No(s). 366, 370, 371, 372, 387, 388 and 389; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

March 27, 1996

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1419, 1983 and 2188.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 27, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2968; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

March 27, 1996

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 2407, 2548, 2552, 2653, 2889, 2925, 3239, 3242, 3253, 3254, 3255, 3258, 3261, 3262 and 3263; also, House Joint Resolution(s) No(s). 371, 389, 390, 407, 420, 467, 468, 470, 471, 472, 473, 478 and 482.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 27, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2973; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 27, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 386; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 386 -- Memorials, Sports - 1995 Goodpasture Christian School football team, TSSAA, Class 2-A state champions. by *Haynes, *Henry, *Harper.

MESSAGE FROM THE SENATE

March 27, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2207, 2346, 2677, 2719, 2934, 2960, 2961, 2966, 2967, 3234 and 3247; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 2207 --** Utilities, Utility Districts - Requires natural gas distribution systems to belong to one-call service formed in geographical area in which systems operate. Amends TCA Section 65-31-107. by *Rochelle.

***Senate Bill No. 2346 --** Hazardous Materials - Restricts location of landfill disposal sites to 1,000 feet of residential, church or school property; fill areas to 100 feet from all property lines of landfill. Amends TCA Title 68, Chapter 212. by *Dixon.

Senate Bill No. 2677 -- Taxes, Real Property - Adds counties of Grundy, Benton, Lincoln, Lawrence, and Sevier to those counties authorized to accept partial payments of property taxes; changes rate at which local government pays interest on taxes on appeal from rate of the composite prime to two percentage points below composite prime rate. Amends TCA Title 67, Chapter 5. by *Rochelle.

***Senate Bill No. 2719 --** Welfare - Requires every applicant and worker employed by a child welfare agency to submit a criminal history background record to department of human services; person shall not remain in employment of agency if prior felony conviction. Amends TCA Title 71. by *Kyle, *Harper.

Senate Bill No. 2934 -- Medical Occupations - Revises procedures relative to licensure as respiratory care therapist or physician assistant. Amends TCA Section 63-6-416 and Section 63-19-105. by *Womack.

***Senate Bill No. 2960 --** Sunset Laws - Adds disaster relief commission to sunset law, June 30, 2000. Amends TCA Title 4, Chapter 29 and Title 58, Chapter 2. by *Haynes, *Dixon.

***Senate Bill No. 2961 --** Sunset Laws - Interstate earthquake commission, June 30, 2002. Amends TCA Title 4, Chapter 29 and Title 58, Chapter 2. by *Haynes, *Dixon.

***Senate Bill No. 2966 --** Sunset Laws - Southern region emergency management assistance compact, June 30, 2000. Amends TCA Title 4, Chapter 29 and Title 58, Chapter 2. by *Haynes, *Dixon.

***Senate Bill No. 2967 --** Sunset Laws - Tennessee emergency management agency, June 30, 2000. Amends TCA Title 4, Chapter 29 and Title 58, Chapter 2. by *Haynes, *Dixon.

***Senate Bill No. 3234 --** Rutherford County - Subject to local approval, enacts "Rutherford County Adequate Facilities Tax." by *Womack.

Senate Bill No. 3247 -- Union County - Subject to approval of county commission, adds additional member to Districts 2 and 6 school board Amends Chapter 95 of the Private Acts of 1953; as amended. by *Wallace.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

RECESS MOTION

On motion of Rep. Purcell, the House recessed until 9:00 a.m., Thursday, March 28, 1996.